

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

OWENS & MINOR, INC. and OWENS &
MINOR FLEXIBLE BENEFITS PLAN,

Plaintiff,

v.

ANTHEM HEALTH PLANS OF VIRGINIA,
INC. D/B/A ANTHEM BLUE CROSS AND
BLUE SHIELD,

Defendant.

Case No. 3:24-cv-00820-REP

**JOINT NOTICE REGARDING RELATED MOTION FILED
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA**

Plaintiff Owens & Minor, Inc. and Owens & Minor Flexible Benefits Plan (“OMI”) and Defendant Anthem Health Plans of Virginia, Inc. d/b/a Anthem Blue Cross and Blue Shield (“Anthem”), by counsel, jointly notify the Court as follows:

1. The parties previously filed joint notices to advise this Court that OMI is a class member who did not opt out of the Subscriber Class Settlement in *In re Blue Cross Blue Shield Antitrust Litigation*, No. 2:13-cv-200000-RDP (N.D. Ala.) (Proctor, J.). See ECF No. 40. On March 13, 2025, Anthem filed a Motion to Enforce the Court’s Injunction Regarding Subscriber Class Member’s Released Claims (the “MDL Motion”) in the Northern District of Alabama. See ECF Nos. 40, 40-1. OMI filed a response to the MDL Motion on March 31, 2025, and Anthem filed a reply on April 10, 2025.

2. On April 22, 2025, Judge Proctor in the Northern District of Alabama granted Anthem’s MDL Motion. A copy of Judge Proctor’s order is attached hereto as **Exhibit A**.

3. Judge Proctor found that “any claims in [the above-captioned case] ‘based in any way’ on BlueCard or the allegations of paragraph 56-65 of the First Amended Complaint, including paragraphs 98, 109(xv), and 141(xv) are RELEASED” claims under the Subscriber Settlement Agreement.” Ex. A at 16. Judge Proctor confirmed that OMI is “ENJOINED from further prosecuting claims ‘based in any way’ on BlueCard or those paragraphs of the First Amended Complaint.” *Id.* at 17.

4. Judge Proctor further ordered that “[w]ithin fourteen (14) days of this Order, OMI SHALL either (1) file an amended complaint omitting the allegations of paragraph 56-65 of the First Amended Complaint, and any claims based on those allegations, including paragraphs 98, 109(xv), and 141(xv), or (2) file a motion asking the district court in E.D. Va. Case No. 3:24-cv-00820-REP to strike those allegations and claims.” *Id.*

5. OMI intends to either (i) appeal Judge Proctor’s order, or (ii) comply with Judge Proctor’s order by seeking an order from this Court striking paragraphs 56-65, 98, 109(xv), and 141(xv) from the First Amended Complaint, in which case a copy of the First Amended Complaint with those allegations and claims stricken will accompany that motion.

Respectfully submitted,

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